

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

Paul Valdez and Currie Byrd, Individually §
and on Behalf of All Others Similarly §
Situating, §

Plaintiffs, §

v. §

CIVIL ACTION NO. 5:23-cv-290-OLG

Assiette, LLC d/b/a Tardif's American §
Brasserie and Jean Yves Tardif Individually, §

Defendants §

JOINT STIPULATION REGARDING NOTICE TO WORKERS

1. The parties have agreed to send FLSA collective action notice to similarly situated workers as set forth in this stipulation and ask the Court's approval.

2. The Parties stipulate to the issuance of notice to a group of Defendant Assiette, LLC employees and former employees consisting of:

All individuals who are/were employed as tipped workers such as servers and bartenders, who were paid less than \$7.25 per hour and who received tips during the two-year period preceding the filing of this Complaint, and who worked for Assiette, LLC for at least two workweeks.

This is a two-year look-back period as opposed to the three-year period sought by the Plaintiffs.

The Parties agree that, if the Plaintiffs in the future believe that they have found evidence of knowing FLSA violations by Assiette, LLC, Plaintiffs may revisit the issue of notice being sent to those individuals who worked for Assiette, LLC more than 2 years prior to the filing of this lawsuit.

The parties also agree to toll the potential claims of any such third-year individuals as of the date of the filing of this pleading.

3. The Parties further agree to toll the statute of limitations as of November 15, 2023 as to those individuals to whom notice is being sent.

4. The Parties have agreed to use the proposed Notice and Consent to Join forms that are being filed with this Stipulation, and that those forms will be sent to the similarly situated workers.

5. Within 10 business days of the Court's Order approving this stipulation, the Parties agree that Assiette, LLC will send Plaintiffs' counsel an electronic spreadsheet with the names, mailing addresses, cell phone numbers, and email addresses of all similarly situated workers ("the List").

6. Within 10 business days of Assiette, LLC providing the List, the Parties agree that Plaintiffs may mail, text, and email the Notice and Consent forms to the members of the Class.

7. The Parties agree that 30 days after sending the Notice and Consent, Plaintiffs may mail, text, and email the same Notice and Consent forms to all similarly situated workers a second time.

8. The Parties agree that all individuals who wish to join this lawsuit may do so by filing a Consent form with the Court within 75 days of Plaintiff first sending out notice.

9. The Parties respectfully request that the Court enter an order approving the terms of this stipulation and approving the attached previously filed forms of Notice and Consent.

Respectfully Submitted,

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ATTORNEY FOR DEFENDANTS

CERTIFICATE OF SERVICE

I certify that on December 8, 2023, I filed on behalf of the Parties jointly the foregoing document with the Court and served all parties of record via ECF.

/s/ Josef F. Buenker

Josef F. Buenker